Minimum Standards for Sexual Harassment Prevention Training

NEW YORK STATE | Combating Sexual Harassment

Every employer in the State of New York is required to provide employees with sexual harassment prevention training pursuant to Section 201-g of the Labor Law. An employer that does not use the model training developed by the State Department of Labor and Division of Human Rights must ensure that the training that they use meets or exceeds the following minimum standards. The training must:

(i) be interactive;

(ii) include an explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;

(iii) include examples of conduct that would constitute unlawful sexual harassment;

(iv) include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;

(v) include information concerning employees' rights of redress and all available forums for adjudicating complaints; and

(vi) include information addressing conduct by supervisors and any additional responsibilities for such supervisors.

Every employee must receive sexual harassment prevention training annually. During this annual training, **employers must also provide employees a notice** that contains:

(i) the employer's sexual harassment policy; and

(ii) a copy of the information presented at the sexual harassment prevention training.

Employers must provide employees with this notice, policy and training information in English and in an employee's primary language if it is Spanish, Chinese, Korean, Polish, Russian, Haitian-Creole, Bengali, or Italian. Model templates are available online.

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Providing employees with training does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.